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PART II-A

GOVERNMENT OF MEGHALAYA EXCISE, REGISTRATION, TAXATION & STAMPS DEPARTMENT ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 21st November, 2006.

No.ERTS(R)13/2005/166.—Whereas the Supreme Court of India in its Order dated February 14, 2006 in Transfer Petition (C) No. 291 of 2005 has issued directions to States of the Indian Union to frame rules providing inter-alia for compulsory registration of marriages, and;

Whereas, the views/comments/suggestions/objections received from the general public in response to the Draft Rules published earlier have been duly considered by the State Government, wherever appropriate;

Now, therefore, the Government of Meghalaya in exercise of the powers conferred by section 50 of the Special Marriage Act, 1954 (Central Act No. 43 of 1954), the State Government of Meghalaya hereby make the following rules, namely, -

1. **Short title and Commencement.**—(1) These rules may be called the Meghalaya Special Marriage Rules, 2006.
(2) They shall come into force from the date of notification in the Official Gazette.
2. **Definitions.**—(1) In these rules, unless the context otherwise required -
 - (a) **“Act”** means the Special Marriage Act, 1954 (Central Act No. 43 of 1954),
 - (b) **“Marriage Officer”** means any a person appointed by the Government of Meghalaya under section 3 of the Act;
 - (c) **“Rules”** means the Meghalaya Special Marriage Rules, 2006; and
 - (d) **“Form”** means form appended to these rules.
(2) Words and expressions used in these rules, but not defined herein; shall have the same meaning corresponding to such words and expressions as may have been defined under the provisions of the Act.
3. **Registration of marriages to be compulsory:**— With the notification of these rules, all marriages solemnised under the Special Marriage Act, 1954 (Central Act No.43 of 1954), shall be compulsorily registered.
4. **Duties and powers of the Marriage Officer.**—Subject to the provision of the Act, a Marriage Officer shall have all the powers as assigned to him under the Act.

5. **Term and remuneration of Marriage Registrar.**—(1) The terms and condition for appointment of a Marriage Officer shall be determined by the State Government by notification in the Official Gazette issued from time to time.
(2) A Marriage Officer shall receive such salary and remuneration as may be fixed by the government from time to time for performing the works as assigned to him under the Act or Rules; provided that if any Officer of the Government is appointed as such Marriage Officer, he shall be entitled to his usual pay and allowances as admissible to him corresponding to that grade.
(3) A Marriage Officer shall be entitled to TA/DA as admissible under the rules prescribed by the Government.
6. **Manner of inquiries.**—(1) A Marriage Officer after receiving applications from the parties to the intended marriage, shall give 30 days notice to all concerned for filing of objections or otherwise, if any; and such notice shall be pasted in any conspicuous place in the locality and also in the notice board of the office of the Marriage Officer in Form 'A'.
(2) After a period of 30 days, if any objection or otherwise is received, a Marriage Officer shall cause an inquiry about the manner in which the objection is made with reference to the provision of the Act, and whether the intended marriage is within the degree of prohibited relationship under the Act, or barred by any law.
(3) If no objection is received by the Marriage Officer within the period referred to in sub-rule (2), a Marriage Officer may direct the parties to the intended marriage to submit written declaration before him about their marital status in Form 'B' fixing a date for solemnization of their marriage at any time as may be mutually convenient.
(4) On the date fixed in accordance with sub-rule (3), the parties to the intended marriage along with their respective witnesses should appear before the Marriage Officer for solemnization and thereafter affix their signatures on the marriage certificate in Form 'C'; and such marriage certificate should be authenticated by at least 3 witnesses.
(5) After obtaining the signatures of the witness(es) under sub-rule
(4) the Marriage Officer shall authenticate the Certificate of Marriage and such certificate shall be handed over to the parties.
(6) Solemnization of marriage may be held either in the office of Marriage Officer, or at any other location within the local limits of jurisdiction of the Marriage Officer.
7. **Marriage Officers to keep proper records.**—The Marriage Officers shall maintain all records including certificates, documents, registers and such related papers as may be prescribed by the State Government from time to time and ensure the safety and security of such records.
8. **Assistance to Marriage Officer.**—A Marriage Officer shall be entitled to be assisted by such other officers and staff as may be required.
9. **Fees.**—The parties to the intended marriage shall have to pay a fee of Rs.20.00 for a certificate of marriage
10. **Fees to be deposited into Government Account.**—(1) Fees collected under this Rule and Act shall be deposited into Government Account .
(2) A Marriage Officer shall issue receipt for the fees paid by the parties to the intended marriage.
11. **Register Book to be supplied by State Government/Registrar.**—Receipt Books/Registers/Certificate shall be supplied by the State Government through the Inspector General of Registration, Government of Meghalaya.

12. **Return to be submitted to the Registrar quarterly.**—All returns including the number of marriages solemnized shall be submitted to the Registrar quarterly along with the name of the parties and the dates of solemnization.
13. **Registration of marriages for members of the public belonging to the Indigenous Faith:**—For the purpose of giving effect to the order of the Apex Court, marriages solemnized amongst members of the Indigenous Faith may be registered under the provisions of these Rules.
14. **Effect of non-registration of marriage.**—Registration of a marriage under these Rules shall be the only proof of such marriage.

FORM 'A'

[See Rule 5 (1)]

NOTICE OF INTENDED MARRIAGE

To

The Marriage Officer for the _____ District.

We hereby give you notice that a Marriage under the Special Marriage Act, 1954, is intended to be solemnised between us within three calendar months from this date thereon.

| Name and Father's Name | Marital status | Occupation | Age | Present Dwelling Place | Permanent dwelling place if Present dwelling place is not permanent | Length of residence at present dwelling place. |
|------------------------|----------------|------------|-----|------------------------|---|--|
| | | | | | | |
| | | | | | | |

Witness our hand on this _____ day of _____ 200_____

Signature of Applicant

1.

2.

FORM 'B'**[See Rule 5(3)]****DECLARATION TO BE MADE BY THE BRIDE-GROOM**

I Shri _____ hereby declare as follows:-

1. I am at the present time unmarried/married.
2. I have completed _____ years of age.
3. I am not related to Srimati _____
within the degrees of prohibited relationship.
4. I am aware that if any statement in this declaration is false and if in making such statement, I either know or believe it to be false and do not believe it to be true. I am liable to imprisonment and also to fine.

Signature of the Bride-groom

DECLARATION TO BE MADE BY THE BRIDE

I Smti. _____ hereby declare as follows:-

1. I am at the present time unmarried/married.
2. I have completed _____ years of age.
3. I am not related to Shri _____
4. I am aware that if any statement in this declaration is false and if in making such statement, I either know or believe it to be false and do not believe it to be true, I am liable to imprisonment and also to fine.

Signature of the Bride

Signed in our presence by the above named Shri _____
and Shrimati _____

so far as we are aware there is no impediment to the marriage.

- 1.
- 2.
- 3.

Countersigned.

Marriage Officer.

Dated _____ the _____ of _____ 200 _____.

FORM 'C'

[See Rule 5(4)]

OFFICE OF THE MARRIAGE OFFICER.....MEGHALAYA**CERTIFICATE OF MARRIAGE UNDER MARRIAGE ACT 43 OF 1954**

I Shri/Smti.....

Marriage Officer,.....Meghalaya

Hereby certify that Shri.....and

Shrimati.....appeared before me

this.....day of200..... and that each of them in my presence
and in the presence of three witnesses who have signed here under have declared that a ceremony of
marriage have been performed between them and that they have been living together as husband and wife
since the time of their Marriage and that in accordance with their desire to have their marriage registered under
this Act, the said Marriage has, this.....day of 200.....

(Signature of the Marriage Officer).....

Marriage Officer under Act 43 of 1954 for
The District of.....
Meghalaya.

Signature of Husband.....

Signature of Wife.....

Signature of three witnesses.

1.....

2.....

3.....

Dated the.....day of200.....

Secretary to the Government of Meghalaya,
Excise, Registration, Taxation & Stamps Department.

The 21st November, 2006.

ERTS(R)13/2005/167.—Whereas the Supreme Court of India in its Order dated February 14, 2006 in Transfer Petition (C) No.291 of 2005 has issued directions to States of the Indian Union to frame rules providing inter-alia for compulsory registration of marriages, and

Whereas, the views/comments/suggestions/objections received from the general public in response to the Draft Rules published earlier have been duly considered by the State Government, wherever appropriate;

Now, therefore, the Government of Meghalaya, in exercise of the powers conferred by section 83 of the Indian Christian Marriage Act, 1872 (Central Act No.15 of 1872) , hereby makes the following rules :-

1. **Short title and Commencement.**—(1) These rules may be called the Meghalaya Indian Christian Marriage Rules,2006.
(2) They shall come into force from the date of notification in the Official Gazette.
2. **Definitions.**—(1) In these rules, unless the context otherwise requires—
 - (a) “Act” means the Indian Christian Marriage Act,1872 (Central Act No.15 of 1872), and
 - (b) “Rules” means the Meghalaya Indian Christian Marriage Rules, 2006.
(2) Words and expressions used in these rules, but not defined herein; shall have the same meaning corresponding to such words and expressions as may have been defined under the provisions of the Act.
3. **Registration of marriages to be compulsory:**—With the notification of these rules, all marriages solemnised under the Indian Christian Marriage Act, 1872 (Central Act No.15 of 1872), shall be compulsorily registered.
4. **State Government to issue licence to Ministers of Religion etc.**—(1) The State Government shall issue licenses to Ministers of Religion or to any Christian under Section 5 (3) or 5 (5) of the Act in areas outside the jurisdiction of the Autonomous District Councils for solemnizing marriages under the Act, provided an application duly recommended by the Parent Church organizations for obtaining such marriage licence is submitted through the Deputy Commissioner of the concerned District.
(2) The State Government shall dispose of such applications within a period of 3 (three) months.
5. **Fees.**—For marriages solemnized under Part III or Part V of the Act, a fee of Rs. 20.00 shall be paid by the parties to the intended marriage.
6. **Marriage Registrar to issue receipt.**—The Marriage Registrar shall issue receipt for the fees paid under the provision of Rule 5 above .
7. **Fees to be deposited into Government Account.**—Fees collected under these rules shall be deposited into Government Account..
8. **Effect of non-registration of marriage.**—Registration of a marriage under these Rules shall be the only proof of such marriage.

J. LYNGDOH,
Secretary to the Govt. of Meghalaya,
Excise, Registration, Taxation & Stamps Department.

The 21st November, 2006.

No.ERTS(R)13/2005/168.—Whereas, the Supreme Court of India in its Order dated February 14, 2006 in Transfer Petition (C)No.291 of 2005 has issued directions to States of the Indian Union to frame rules providing inter-alia for compulsory registration of marriages, and

Whereas, the views/comments/suggestions/objections received from the general public in response to the Draft Rules published earlier have been duly considered by the State Government, wherever appropriate;

Now, therefore, the Government of Meghalaya, in exercise of the powers conferred by section 17 of the Meghalaya Moslem Marriages and Divorces Registration Act (Assam Act IX of 1935), the State /Government of Meghalaya hereby makes the following rules, namely:

1. **Short title and Commencement:**—(1) These rules may be called the Meghalaya Moslem Marriages and Divorces Registration Rules, 2006.
(2) They shall come into force from the date of notification in the Official Gazette.
2. **Definitions.**—In this rules unless the context otherwise requires—
 - (a) “Act” means the Meghalaya Moslem Marriages and Divorces Registration Act (Assam Act IX of 1935, as adapted by the State of Meghalaya).
 - (b) “Permanent Committee” means the body of persons for the time being appointed by the government of Meghalaya for the transaction of such business connected with the administration of the Act as is entrusted to them in the State of Meghalaya.
3. **Registration of marriages to be compulsory:**—With the notification of these rules, all marriages solemnised under the Meghalaya Moslem Marriages and Divorces Registration Act (Assam Act IX of 1935) shall be compulsorily registered.
4. As soon as the Act comes into force in any area the District Registrar shall nominate sufficient number of persons possessing the qualifications specified in rule 5 to be licensed as Moslem Registrars under Section 6. The District Registrar shall also specify the limits within which each of the persons so nominated shall exercise the functions of Moslem Registrar.
5. The District Registrar’s nomination shall be submitted to the Inspector General of Registration to be placed before the Permanent Committee, and shall be accompanied by the original application of the candidate in the following form, together with a certificate of good moral character, and either a certificate that he has passed the Senior Madrasa final Examination or a certificate that he possesses sufficient acquaintance with the Arabic language and the Moslem law of Marriage and Divorce, signed by three Mohammadan gentlemen of respectability and position :

Application for the Moslem Registrarship under the Act IX of 1935 (an Act to provide for the voluntary registration of Moslem Marriages and Divorces at _____)

Thana _____ District of _____.

| | |
|----|--|
| 1 | Name and usual signature of candidate and address in full. |
| 2 | Age. |
| 3 | Profession or present employment of candidate with present salary or pension. |
| 4 | Father's name and profession. |
| 5 | Present family residence of candidate. |
| 6 | Distance of residence from the Moslem registry office and Sadar station. |
| 7 | Whether candidate has a masonry house for his office. |
| 8 | If previously employed under Government details of past service; if ever dismissed from any post, particulars of the fact. |
| 9 | Name and address of persons recommending the candidate. |
| 10 | Whether the candidate is acquainted with Arabic, Persian, Urdu, Bengali, Assamese or English. |
| 11 | Whether the candidate has passed the Senior Madrasa examination and holds any Certificate from any Government or private Madrasa (stating his name). |
| 12 | Remark of the District Registrar. |
| 13 | Remarks. |

6. Candidate for permanent posts of Moslem Registrar will be preferred if they have passed the Senior Madrasa Final Examination; and they must be of good moral character. In the Selection of Moslem Registrar, preference shall ordinarily be given to candidates who are natives and a domiciled in Meghalaya and who reside at a convenient place within the limit of the jurisdiction proposed; but no person shall be nominated a Moslem Registrar merely by reason of some supposed hereditary right, the fact that a person is a pensioner shall not be a bar. A person whose age exceeds forty years will not be appointed as a Moslem Registrar.

7. The limits within which a Moslem Registrar shall be licensed to Act shall coincide with the limits of a sub-district under the Indian Registration Act, or with the jurisdiction of such police station or stations or parts thereof, as the Government may, from time to time, direct. The headquarters shall be at some convenient place within those limits.
8. Should the nomination of the District Registrar be disapproved by the Permanent Committee, the District Registrar may be requested to submit a fresh nomination, or the Committee may select another candidate with the necessary qualifications for the approval of Government.
9. (1) Every candidate selected for appointment as a Moslem Registrar shall at first be appointed on probation and shall not be confirmed until he has passed the prescribed examination.
(2) The said examination shall be held annually in each division in June at a convenient centre under the Superintendence of a District Registrar or a Gazetted Officer of Government to be nominated by the District Registrar.
(3) The centre shall be selected by the Inspector General of Registration in consultation with the District Registrars.
(4) The examination will consist of two papers, one in Mohammadan law especially the law of Marriage and Divorce, the other comprising question on the Act and the Kazis Act, 1880 (Act XII of 1880), and rules framed thereunder.
(5) Probationers being passed students of the Arabic Department will be required to present themselves for examination only in the second of those papers.
(6) The papers will be set by one of the members of the Permanent Committee or by a person appointed by the Permanent Committee, who shall also examine the papers and mark them and submit the results to the Permanent Committee for approval. The Committee will decide which of the candidates shall be considered to have passed.
(7) Every probationer will be allowed to appear twice, provided that no probationer will be compelled to appear within less than six months from the date of his appointment. Any candidate who fails to pass within three years from the date of his appointment shall be removed from his office.
10. The Inspector General of Registration may censure, suspend, and may make transfers and posting of, Moslem Registrars. When possible he will consult the Permanent Committee.
11. Licenses to qualified persons who have been approved as Moslem Registrars will be granted in the following form.

To

By virtue of the authority conferred upon the Government of Meghalaya, by Section 3 of the Assam Moslem Marriages and Divorces Registration Act, 1935 as adapted by Meghalaya, you are hereby authorized to register, in the manner prescribed by the above Act, all Moslem Marriages and Divorces which shall be effected within _____ in the District of _____ on application being made to you for such Registration.

(2) It will be your duty carefully to observe the provisions of the above mentioned Act, and such rules as may from time to time be prescribed by the Provincial Government, in pursuance of the power conferred upon them, by the above Act.

(3) This license shall continue to be in force until it is revoked or suspended by the said Government of Meghalaya.

12. When a Moslem Registrar desires to give up his license or is about to leave the place of the district in which he has exercised the functions of Moslem Registrar, he shall report the circumstances through the District Registrar to the Inspector General of Registration for orders.
13. **Compulsory retirement.**—The date of compulsory of a Muslim Marriage Registrar is the date on which he attains the age of 60 years or completes 30 years service whichever happens earlier. He may be retained in service beyond the date of compulsory retirement only where and so long as suitable local candidates are not available.
14. When a Moslem Registrar makes over charge of his office to a successor, a certificate shall be jointly given of the date on which the office is made over and of the safety and correctness of the records; and the certificate shall be forwarded by the District Registrar to the Inspector General of Registration.
15. (1) Moslem Registrar shall not be entitled to leave as of right under the rules in force for Government servants. The Inspector General may however, grant leave in cases of urgency and propose to Government a substitute.
(2) Moslem Registrars are required to submit their applications for leave to the District Registrars six weeks before the date on which they intend to avail themselves of it.
(3) The District Registrar may however grant leave not exceeding 10 days in cases of urgency without the previous sanction of the Inspector General of Registration, Meghalaya, without a substitute.
(4) No Moslem Registrar shall be absent from his jurisdiction without permission.
16. (1) When forwarding the application of a Moslem Registrar for leave or when reporting the absence of a Moslem Registrar from duty, a District Registrar should nominate a suitable person to act as substitute from the list of candidates which will be maintained in his office for the purpose. (This list will not be restricted to candidates who hold the Final Madrasa Certificate).
(2) The District Registrar's nomination shall be considered by the Inspector General of Registration. A temporary license will then be issued by Government on his recommendation to the selected candidate. A Moslem Registrar shall not be placed in charge of the office of another Moslem Registrar unless he has been licensed to hold charge of the latter office.
17. (1) Neither entry of name in the list mentioned in Rule 15 nor temporary appointment to the office of a Moslem Registrar, will be held to establish a claim to permanent appointment.
(2) When a permanent vacancy occurs, the Inspector General will first consider whether the vacancy may with advantage be filled by transfer of a local candidate who has been serving faithfully and well away from his home Muslim Registry. When the Inspector General of Registration decides that the vacancy be filled otherwise than by transfer, a notice calling for applications to be filled within one month, shall be posted at the District and Sub-divisional Sub-Registry Offices. The District Registrar will make his nomination from the applications filed and the nomination will be scrutinized by the Permanent Committee under Rule 3.
18. Service as a Moslem Registrar shall not count as Government service, so as to give rise to any claim for pension of gratuity or to leave or allowances of any kind.
19. (1) The general control and supervision of the working of the Act shall be exercised by the Inspector General of Registration aided by the District Registrars and Sub-Registrars.
(2) District Registrars and Sub-Registrars are authorized to visit or to depute an Extra Assistant Commissioner to visit and inspect all Moslem Marriage Registry Offices within the districts, and Sub-Divisional Officers are authorized to inspect all such offices within their Sub-divisions.
(3) Sub-Registrars and Sub-divisional Officers should not themselves pass any orders on the occasion of their inspections but should report to the District Registrars for orders on any points on which the orders appear to them to be necessary.

20. A Moslem Registrar will, on first appointment, be supplied with the registers, etc., mentioned below, free of charge :-

1. Register A (Book I)
2. Copies of do. for parties.
3. Do. do. for the Registrar.
4. Do. do. for issue.
5. Register B (Book II)
6. Copies of do. for parties.
7. Do. do. for the Registrar.
8. Do. do. for issue.
9. Register C (Book III)
10. Copies of do. for parties.
11. Do. do. for Registrar.
12. Do. do. for issue.
13. Book of Refusal.
14. Book Appeals.
15. Index Book.
16. Ditto Sheets.
17. Form of applications.
18. Catalogue.
19. The Moslem Marriages and Divorces Registration Act, 1935 (as adapted by Meghalaya).
20. Requisition for forms.
21. Receipt Book.

He will also be supplied with a seal and will use no ink for making entries in the registers and indexes other than that supplied from the Government stores. All books, registers, etc., which may subsequently be supplied, shall be paid for by the Moslem Registrar at the time of supply.

When the first supply is exhausted a Moslem Registrar will obtain on a requisition by a letter from the District Registrar all standardized forms. Such requisition must be accompanied by a treasury challan (unless the Moslem Registrar is exempted from paying for forms) showing the deposit of the cost of such priced forms as have been included in his requisition. No Moslem Registrar shall make an indent for forms direct on the Local Government or on the Government Contractors. Private printing of standardized forms by the Moslem Registrars is forbidden. The District Registrar is the indenting officer for forms required by the Moslem Registrars of his district and will be responsible for maintaining an adequate stock of forms for distribution to Moslem Registrars. For this purpose the District Registrar shall maintain a Stock Book of all forms required by the Moslem Registrars and the forms which are saleable are to be clearly marked as such in the book. An issue of saleable forms or stationery, including ink, will be made on receipt of a challan showing the deposit of the value or on reference to a definite order of the District Registrar sanctioning a free issue of forms or stationery, including ink, to a Moslem Registrar whose monthly income is not more than Rs. 1000/- Sums received by the sale of these forms or stationery are to be credited to the Head of Account as the State Government may prescribe.

21. The seal shall always remain in the personal custody of the Moslem Registrar and shall be made over with the records to the officer appointed in his place whenever a Moslem Registrar ceases, either temporarily or permanently, to exercise his functions.

22. A printed table of fees in the vernacular of the district shall be affixed in some conspicuous place in every Moslem Registrar's Office.

23. The fees received by the Moslem Registrar under Sections 9 and 15 of the Act, and rule 53 may be retained by him as his lawful remuneration, provided that he duly pays for the registers and other articles supplied to him under Rule 19. All fees received by a District Registrar shall be credited to Government in the same way as fees realized under the Indian Registration Act.

A receipt shall be granted to the payee from the printed book prescribed for the purpose by the Moslem Registrar or District Registrar as the case may be, in which shall be entered in detail all sums received on account of fees and allowance. The receipt shall be sealed with the seal of the Moslem Registrar or District Registrar granting it and shall be signed and dated by that officer.

24. A Moslem Registrar shall not be debarred from holding any other salaried appointment with the permission of the District Registrar, provided that it does not interfere with the proper discharge of his duties as Moslem Registrar.

25. When the attendance of a Moslem Registrar is required at the celebration of a marriage or other ceremony, the party requiring his attendance shall make an application to the Moslem Registrar, specifying the place and time of the marriage or other ceremony, where that officer may attend.

26. It shall be lawful for Moslem Registrars to travel on circuit within their jurisdiction for the purpose of attending celebration of marriages or other ceremonies, a Muslim Marriage Registrar may charge the following fees for visiting a place (other than his own office) for the purpose of attending the celebration of a marriage or other ceremony :-

(a) An attendance fee which shall not exceed Rs. 100/-.

(b) A travelling allowance at a rate not exceeding Rs. 5/- per Km. for the distance actually travelled.

27. When the Moslem Registrar is present at the celebration of a marriage, he shall make an entry of the fact in the Register of Marriages (A), and a copy of such entry shall be included in the copies to be made under Sections 11, 14 and 21 of the Act.

28. If all the persons who, by Section 10 of the Act, are required to sign the entry of the marriage or divorce in the proper register, are not present, registration shall be deferred until they are all present provided that no marriage or divorce for registration of which application has been made within one month, as required by Section 9, shall be registered after the expiration of six months from the date on which the marriage or divorce was effected.

28. The Moslem Registrar shall satisfy himself whether or not a marriage was effected by the persons by whom it is represented to have been effected in the following manner:-

(1) by examining the parties to the marriage, or, if either or both of them are minors, their lawful guardians. If the woman be a purdah-nasheen, her duly authorized Vakil shall be examined instead of the woman.

(2) by examining the two witnesses who were present at the marriage.,

29. The Moslem Registrar shall satisfy himself whether or not a divorce other than the kind known as Khula, was effected by the man by whom it is represented to have been effected by examining that man; and if he be of the Shia sect, by examining also the two witnesses to the divorce.

30. The Moslem Registrar shall satisfy himself that a divorce of the kind known as Khula was effected by the persons by whom it was represented to have been effected in the following manner:-

(1) by examining the parties to the Khula, provided that if the woman be a purdah-nasheen, her duly constituted Vakil or lawful guardians shall be examined instead of the woman.

(2) if the man be of the Shia sect, by also examining the two witnesses to the divorce.

31. The Moslem Registrar shall satisfy himself of the identity of persons appearing before him as witnesses of marriage or divorce, unless they are otherwise personally known to him, by examining at least one witness to the identity of each person so appearing.

32. In the case of any person appearing as the representative of the man or woman (whether he appears as guardian or Vakil), the Moslem Registrar shall satisfy himself of the right of such person to appear by examining such person. If a Vakil so appear, the Moslem Registrar shall further examine witnesses to the fact of the Vakil having been duly authorized to appear.

33. When the entry of the marriage or divorce has been made in the proper register, it shall be read over by the Moslem Registrar to the persons who by Section 10 of the Act, are required to sign such entry. If they admit its correctness, the entry shall then be signed by them.

34. When a person who cannot write, signs his name by means of a mark his name shall be recorded at length, and the writer also shall sign his name in attestation that the mark was affixed in his presence.

35. If a Moslem Registrar discovers any error in the form or substance of any entry of a marriage or divorce made by him, he may within one month from the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin without any alteration of the original entry, and shall sign the original entry and add thereto the date of such correction and he shall also make the like marginal entry in the copies thereof. And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And, in case a copy has been already sent to the Registrar, the Moslem Registrar shall make and send another copy thereof, containing both the original erroneous entry and the marginal correction therein made.

36. No erasures shall be made with a knife in any registers, book or record, but mistakes shall be corrected when necessary, with a pen, and shall be invariably attested by the Registering Officer. Corrections are not to be obliterated or blotted out, so as to be illegible, but a line is to be drawn through erroneous words with the pen, so that they may remain legible.

37. The circumstances under which registration of a marriage or divorce should be refused are as follows :-

(1) If the marriage or divorce was not effected within the jurisdiction of the Moslem Registrar to whom application for registration is made.

(2) If the application is not made by the person specified in Section 8 of the Act.

(3) If application has been made after the expiry of one month from the date on which the marriage or divorce was effected.

(4) If all the persons required by Section 10 of the Act to sign the entry in the proper Register fail to appear within the time limited for such appearance fixed by the Moslem Registrar under Rule 27.

(5) If the Moslem Registrar fail to satisfy himself that the marriage or divorce was effected by the person or persons by whom it is represented to have been effected.

(6) If the Moslem Registrar fails to satisfy himself as to identify of the persons appearing before him and alleging that the marriage has been effected.

(7) In the case of any person appearing as the representative of the man or woman (whether he appears as guardian or as (Vakil), if the Moslem Registrar is not satisfied as to the right of such person to appear.

(8) If one of the parties applying for registration of marriage, or if the man applying for the divorce, appear to be of unsound mind.

38. In cases (2), (4) and (8) referred to in Rule 38, the refusal order shall ordinarily be deferred till one month has elapsed from the date on which the marriage or divorce was effected; but if the parties declare their inability to comply with the requirements of the law, or for any other reason wish that registration should at once be refused, this may be done.

39. The reasons for refusal to register to be recorded under Section 19 of the Act shall be concisely and clearly stated in each particular case. When registration is refused under clauses 5, 6 or 7 of Rule 38, the Moslem Registrar will record the grounds of his decision.

40. Fees under Section 9 of the Act shall not be refunded unless registration is refused for one of the reasons numbered (1), (2), (3) and (8) in Rule 37. Fees and travelling allowances paid for the attendance of Moslem Registrar at the celebration of marriages shall be refunded only in cases where the Moslem Registrar does not attend. Fees paid for searches in the registers and indexes or for copies of entries, shall be refunded only when the searches are not made or the copies not given.

41. The refund of fees paid to a Moslem Registrar shall be made by him at once on application and he shall take and file a receipt for the amount of such repayment from the person to whom it is made.

42. When a Register book is closed, a certificate to that effect shall be appended at the close of the written portion, and a certificate showing the number of pages written upon shall be entered on the first page.

43. The Registers and Indexes shall be kept in English, Bengali or Assamese. Copies under Sections 11, 14 and 21 of the Act should be prepared in the language in which the registers are kept.

44. The "year" referred to in Section ___ of the Act shall be a year of the Christian era, commencing on the 1st of January and ending on the 31 st December.

45. The index to Marriages and Divorces shall be prepared from the Registers A, B and C, and shall contain the following particulars :-

1. Name of party.
2. Father's name.
3. Residence
4. Place of Registration
5. Date of Registration
6. Serial number for the year
7. Book
8. Volume
9. Page

46. Names shall be indexed according to their first letter and shall be arranged in order of the English or Bengali or Assamese alphabet. A mere title or designation or race shall not be taken as the index word. Thus, Sheik Ramjan will be indexed Ramjan, Sheik; Mir Aulad Ali, Aulad Ali, Mir.

47. A catalogue in the form given below shall be kept up and permanently preserved in every Moslem Registrar's office and on the occasion of every transfer of records, the Officer receiving charge of the records shall compare them with the Catalogue and certify therein that he has found them correct. Whenever any of the records are transferred to the district officer, the fact shall be noted in the column of remarks, together with the date of transfer :-

FORM OF CATALOGUE

| Sl. No. | District or Sub-district to which the book relate | Year | Title of books | Volume | Number of entries in each | Number of pages written on | Remarks |
|---------|---|------|----------------|--------|---------------------------|----------------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| | | | | | | | |

48. The following records shall be preserved in perpetuity :-

- (a) All register books A, B and C and their Indexes.
- (b) The Catalogue.
- (c) Reports of the destruction of records and lists of papers destroyed. (d) Fee book

49. The following records shall be preserved for the period noted against each, after which they will be destroyed :-

| | | |
|---|---|----------|
| (a) Register of refusals | - | 12 years |
| (b) Register of appeals | - | Ditto |
| (c) Inspection Reports | - | Ditto |
| (d) Annual Reports | - | Ditto |
| (e) Counterfoils of receipt granted under Rule 19 | - | Ditto |
| (f) Applications for registration or for attendance at the Celebration of marriages under Rule 21. | - | 3 years |
| (g) Applications for search of copies of extracts | - | 3 years |
| (h) All correspondence, whether in the vernacular or in English, which is of an ordinary routine character and which the District Registrar considers may be destroyed. | - | 3 years |
| (i) Requisition for forms and stationery | - | 3 years |
| (j) Applications for the post of Marriage Registrar | - | 3 years |
| (k) All other records not specified in the above Rules | - | 3 years |

50. Monthly returns submitted to the Registrar of the district under Section 21 of the Act which are copies of entries in the registers, and Index books may be destroyed as soon as the completed volume of Register or Index to which such returns relate is received in the Sadar Office.

51. (a) No records or papers whatever shall be destroyed without the previous sanction of the Inspector General of Registration.

(b) Subject to such sanction the records in the offices of Registrars and Moslem Registrars may be destroyed after the expiration of the period of their retention as specified in Rule 49, the said period being computed from the 1st January next following the date of record.

52. Application for search in the records or for copies of extracts therefrom shall be made in writing; no stamps are required on such applications. Applications made to the District Registrar shall be entered in the register kept by him for that purpose. Applications made to the Moslem Registrar shall be filed by him, the date of application and the date on which a search was made, or a copy delivered., being noted on the back of the application. If the register from which an extract is required has been transferred to the District Registrar or other person under Section 22 of the Act, the application together with the prescribed fee, shall be forwarded by the Moslem Registrar to such District Registrar or other person at the expense of the applicant.

53. A call for information from any Court, shall, if it necessitates search in the registers, be accompanied by the necessary fee for search. Officers of Government shall be permitted to inspect the registers without fee; but if the production of a register in any Court is required, it shall be produced by the Moslem Registrar or other officer whom the District Registrar may depute for the purpose, who will be entitled to claim payment of his expenses like any other witness.

54. Besides the fees leviable under Section 15 of the Act a fee of Rs. 5/- may be charged for extracts and copies of orders and records not otherwise provided for in the law.

55. The Inspector General of Registration should send an Annual Report on the working of the Act to the Government by the 15th July of each year. The body of the report should contain a table in the following form showing the principal features of the working of Act IX of 1935 during the preceding two years :-

| Year | No. of districts in which Act IX of 1935 was in force | No. of offices open at the close of the year | No. of marriages registered | Number of Talak divorces registered | Number of Khola divorces registered | Total No. of ceremonies registered |
|------|---|--|-----------------------------|-------------------------------------|-------------------------------------|------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |
| | | | | | | |

The text should go on to indicate the total number of offices opened and closed during the year under review, the total number of ceremonies registered, the average number of registrations in each office and the total and average income of Moslem Registrars. Attention should be directed to any notable fluctuations and a brief indication should be given in a few general remarks of the estimation in which the provisions of the Acts are held in different divisions of the province by which they are in force. The report should not exceed 1 page.

A table should be appended showing district-wise operations under Act IX of 1935 during the year under review.

The form which this should take is shown below :-

| Name of district | Number of offices on 31st March | Number of marriages registered | Number of Talak divorces registered | Number of Khola divorce registered | Total No. of ceremonies registered | Total receipt on account of fees |
|------------------|---------------------------------|--------------------------------|-------------------------------------|------------------------------------|------------------------------------|----------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |
| Total | | | | | | |

The District Registrar should send in the materials for the compilation of the report by the 15th May of each year, to the office of the Inspector General of Registration and the Moslem Registrars should submit their returns to the District Registrar not later than 15th April of each year.

56. For the supervision of Moslem Marriage Registrars and Kazis there will be a permanent committee, consisting of 6 (six) members of which the Inspector General of Registration shall be the *ex-officio* President.

The following rules are prescribed for the guidance of the committee :-

(1) The Committee shall consist of six members. The Inspector General of Registration for the time being shall be President, and Persian and Arabic Professor of a Government College shall be a member. The remaining members shall be appointed by the Local Administration by Notification in the official gazette. They shall hold office for a term of three years, and shall be eligible for reappointment on the expiry of the term. Members shall be liable to removal for habitual failure to attend the meetings of the committee.

(2) The jurisdiction of the Committee shall extend to all districts of the State in which the Act IX of 1935 or Act XII of 1880 is, or may hereinafter be, in force.

(3) The Committee shall meet as often as may be found necessary for transaction of business at such place as may, on each occasion, be convenient. The President shall ordinarily fix the time and place of

such meetings and shall be bound to call a meeting within one month on the requisition of any three members. Three members shall form a quorum for the transaction of business.

(4) The Committee shall deal with the following matters:-

- (a) The consideration of all nominations to the post of Moslem Registrar or Kazi.
- (b) Recommendations for the dismissal and removal of Moslem Registrars and Kazis.
- (c) The examination of Moslem Registrars and Kazis.
- (d) The inspection of the offices of Moslem Registrars.

57. **Effect of non-registration of marriage.**—Registration of a marriage under these Rules shall be the only proof of such marriage.

J. LYNGDOH,
Secretary to the Govt. of Meghalaya,
Excise, Registration, Taxation & Stamps Departments.

The 21st November, 2006.

No.ERTS(R)13/2005/169.—Whereas the Supreme Court of India in its Order, dated February 14, 2006 in Transfer Petition (C) No.291 of 2005 has issued directions to States of the Indian Union to frame rules providing *inter-alia* for compulsory registration of marriages, and

Whereas, the views/comments/suggestions/objections received from the general public in response to the Draft Rules published earlier have been duly considered by the State Government, wherever appropriate;

Now, therefore, the Government of Meghalaya, in exercise of the powers conferred by Section 8 of the Hindu Marriage Act, 1955, hereby makes the following rules :—

1. **Short title and Commencement.**—(1) These rules may be called the Meghalaya Hindu Marriage Rules, 2006.
(2) They shall come into force from the date of notification in the Official Gazette.
2. **Definitions.**—In these rules, unless the context otherwise required—
 - (a) “Act” means the Hindu Marriage Act, 1955 (Central Act 25 of 1955)
 - (b) District Registrars and Sub-Registrars appointed under Act XVI of 1908 and all Block Development Officers in the State shall be the “Marriage Officers” for the purposes of this Act :
 - (c) “Form” means a form appended under the Schedule to these rules.
 - (d) “Section” means the section of the Act.
3. **Registration of marriages to be compulsory:**—With the notification of these rules, all marriages solemnized under the Hindu Marriage Act, 1955 (Central Act No.25 of 1955), shall be compulsorily registered :
Provided that registration of marriages under these Rules should be completed within a period of 3 (three) months after solemnization of any marriage under the Act.
4. Every Registrar or Marriage Officer shall cause his name, designation and the working hours of his office to be written in English and in the language or languages of the district, place or area in which he functions as such, and displayed in a conspicuous part of the building in which his office is situated.
5. (a) When a marriage is intended to be solemnized under the Act by a Marriage Officer, the parties to the intended marriage shall give notice thereof in writing in Form I specified in the Schedule appended to these Rules to such Marriage Officer under whose jurisdiction the marriage is proposed to be solemnised either in person or by registered post.
(b) Where the notice is delivered in person, the fee prescribed in Rule 14 shall be paid in cash to the Marriage Officer.
(c) Where the notice is sent by registered post, the fee shall be remitted by money order at the remitter’s expenses and the receipt issued to the remitter by the post office through which the remittance is made shall be attached to the notice.
(d) As soon as the notice is received, the Marriage Officer shall enter a distinctive serial number thereof, and he shall attest by his signature such number and date of receipt of the notice.
(e) If the notice is in conformity with the requirements of the Act, it shall be entered in the Marriage Notice Book and copied correctly in verbatim in a Marriage Notice Register which shall be certified to be correctly copied by the Marriage Officer. The Notice Book and the Notice Register shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached.
(f) If the notice is not in conformity with the requirements of the Act, it shall be returned to the parties for rectification and transmission within a date to be fixed for the purpose.
(g) Every term of rectification shall be attested by both the parties to the intended marriage.

6. The Marriage Officer shall cause the notice of the intended marriage to be published by affixing a true copy of the notice under his seal and signature at a conspicuous part of his office.
7. Where an objection to the solemnization of an intended marriage together with fee prescribed thereof in Rule 13, has been received within 30 days from the date of publication of the notice of the marriage and recorded by the Marriage Officer, he shall, unless he rejects the objection summarily by an order in writing on the ground that the objection is not based on contravention of any of the conditions specified in Section 5, enquire into the objection on a date to be fixed by him. The date so fixed shall not be later than fifteen days from the date of the objection.
8. The Marriage Officer shall at the time of recording the objection ascertain from the objector whether he has any document on which he intends to rely or whether he desires any witness or witnesses to be examined on his behalf if the objector states in the affirmative, the Marriage Officer shall require the objector to produce the documents or the witnesses on the day fixed for the enquiry. If the objector desires that summons shall be issued to the witnesses to appear and give evidence or to produce any documents, the Marriage Officer shall issue such summons to the witnesses cited, on payment of the process fee prescribed under Rule 13 and the reasonable expenses of travelling and subsistence allowance of the witnesses. The enquiry relating to the objection including the production of documents and the examination of witnesses including the decision of the Marriage Officer shall be completed within the period of 15 days. If within the prescribed period the documents are not produced and the witnesses do not appear before the Marriage Officer, the objection shall be disposed of by the Marriage Officer without waiting for the production of such documents or the appearance of such witnesses.
9. The Marriage Officer shall give notice of the date and time fixed for enquiry to the parties to the intended marriage.
10. The notice or summons to any party or witness under Rule 8, shall be in Form II or Form III as the case may be, and shall be sent by registered post.
11. On the date fixed for enquiry, or on any adjourned date, the Marriage Officer shall record in his own hand the evidence given in the course of the enquiry, his decision on the objection and the reasons therefore.
12. The Marriage Officer may, on application by both the parties to the marriage, solemnize the same at any place outside his office provided the additional fee prescribed therefore in Rule 13 is paid and the hour is not unreasonable.
13. The Marriage Certificate Book shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached. Every marriage therein during each calendar year shall be consecutively numbered.
14. The following fees shall be levied by the Marriage Officer :
 - (i) For every notice of intended marriage or for application for registration of marriage (to be paid by the parties to the marriage) - Rs. 2/-
 - (ii) For recording an objection (to be paid by the person making the objection) - Rs. 3/-.
 - (iii) For every notice and for every summons (to be paid by the parties to the marriages) - Re. 11/-
 - (iv) For solemnizing or registering a marriage outside the office of Marriage Officer (to be paid by the parties to the marriage) - Rs. 25/-
 - (v) For a certified copy of an entry (to be paid by the applicant).
 - (a) in Marriage Notice Book other than an entry relating to an objection -Re. 11/-
 - (b) in the Marriage Certificate Book - Re. 1/-
 - (vi) For certified copy of an entry in the Marriage Book other than a notice or of any other proceeding not already provided for (to be paid by the applicant) Rs. 6/-

- (vii) For making a search (to be paid by the applicant)
 - (a) if the entry is of the current year - Re. 1/-
 - (b) if the entry related to any previous year or years additional fee of 0.50 P. per year.
- (viii) For issue of commission (to be paid by the applicant) Rs. 10/-.
- (ix) For every other application which may be necessary under the Act (to be paid by the applicant) - Re. 1/-

The fees prescribed above shall be paid either in person or remitted by money order to the Marriage Officer.

- 15. A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and these Rules. The receipt books shall be bound volumes of one hundred leaves each with foils and counter foils which shall be machine numbered consecutively (Form IV).
- 16. Copies of entries in the Marriage Certificate Book shall be certified in Form V appended to these rules, and shall be sent at intervals of three months to the Inspector General of Registration Meghalaya. In case no entries have been made during the preceding three months a certificate to this effect shall be sent to the Inspector General Registration Meghalaya.
- 17. The Marriage Officer shall maintain a cash book in Form VI. All fees received under the Act and the Rules shall be brought to account in the cash book every day and the Marriage Officer shall sign the same in token of his verifying the correctness of the day's total collection of fees.
- 18. The Marriage Officer shall keep in this custody the fees received by him each day, and shall credit the same on the day following into the nearest Treasury or Bank, as the case maybe.
- 19. **Effect of non-registration of marriage.**—Registration of a marriage under these Rules shall be the only proof of such marriage.

Registration of Marriage Rules Meghalaya.

Form I

{ See Rule 4(1) }

Notice of Intended Marriage

To

Marriage Officer for theDistrict.

We hereby give you notice that a marriage under the Hindu Marriage Act, 1955 is intended to be solemnized between us within three calendar month from the date hereof.

| Name | Marital Status | Occupation | Age | Dwelling Place | Permanent dwelling place. Present dwelling place not permanent | Length of residence |
|------|----------------|------------|-----|----------------|--|---------------------|
|------|----------------|------------|-----|----------------|--|---------------------|

A.B. Unmarried

Widower

Divorced

C.D. Unmarried

Widow

Divorced

Witness our hands thisDay
of 19

(SD) A.B.

(SD) C.D

Form II

{ See Rule 9 and 10 }

Notice

Before the Marriage OfficerPlace) in the
master of the Hindu Marriage Act, 1955 (25 of 1955).

intended marriage between

In the matter of.....

application to register the marriage between

Registration of Marriage Rules Meghalaya.

A.B.

And

C.D.

(give names and address of)

E.F.

(Name of objector)

To

Whereas Notice of an intended marriage an application
for the registration of marriage between A.B. and C.D. was received by the Marriage Officer
on , and;

Whereas you have preferred certain objections (set out overleaf) to the solemnization of the
marriage, and;

Whereas the Marriage Officer will hold an enquiry into the matter of the said objections on day of
..... at his office;

You are hereby required to be present at A.M./P.M. on the said day
together with all documents on which you intend to rely along with any witness or witnesses whom you may
desire to be examined on your behalf.

Take notice that in default of your appearance on the aforesaid day the inquiry will be made and decided
in your absence.

Should you apprehend that your witness will not attend the enquiry unless summoned by the Marriage
Officer , you should apply to the Marriage Officer for the issue of such summons sufficiently in advance
together with the prescribed process fee and reasonable expenses of traveling and subsistence allowance
of the witness(es).

Station
Date

Seal

Given under my hand and seal.
Signature.....
Marriage Officer.

Note: Strike out whichever is not applicable.

Form III

{ See Rule 9 and 10 }

Summons to Witness

Before the Marriage Officer (Place) in the
master of the Hindu Marriage Act, 1955 (25 of 1955).

intended marriage between

In the matter of
application to register the marriage between

| | |
|----------|-----------------------------|
| A.B. | |
| And | |
| C.D. | (give names and address of) |
| E.F. | |
| Objector | |

Registration of Marriage Rules Meghalaya.

To

Whereas your attendance is required to give evidence on behalf of in
the above matter, you are hereby required to appear personally before me or to cause to be
produce before me the document specified hereunder on the Day
of 19 at A.M/P.M. A sum of Rs
being your traveling and other expenses have been deposited.

If you fail to comply with this summons without lawful excuse you will be subject to the consequences of
non attendance laid down in rule 12 of Order XVI of the Code of Civil procedure 1908.

Take notice that, in default of your appearance on the aforesaid day, the inquiry will be made and the
matter decided in your absence.

Given under my hand and seal.

Station

Signature

Date Seal Marriage Officer.

Form IV

{See Rule 14}

Book No Receipt No.....

Date.....

By whom paid.....

In the matter of marriage between

And Fees received as follows

Rs. P.

Total

Signature.....

Marriage Officer.

Form V

{See Rule 15}

Form of Certificate.

Certified that the above entries from the Marriage Certificate Book in this office bearing

Serial Nos..... to.....
regarding marriage..... solemnized/registered..... are true
copies of all the entries in the Marriage Certificate Book maintained under Rule 15 of the rules
and maintained by me for the last three months ending Day of
..... 19

Signature

Marriage Officer.

Certified that no entries have been made in the Marriage /Certificate Book in this office
during the three month calendar day of

..... 19

Station

Signature

Date

Marriage Officer.

Form VI

{See Rule 16}

Form of Cash Book.

| Receipt No. and date of realization | Details of amount realized | Amount | Signature of Marriage Officer and date | Amount credited into treasury | Challan No. and date | Signature of Treasury Officer and date | Remarks |
|-------------------------------------|----------------------------|--------|--|-------------------------------|----------------------|--|---------|
| Rs. | P. | Rs. | P. | | | | |
| | | | | | | | |

Total

J. LYNGDOH,
 Secretary to the Government of Meghalaya,
 Excise, Registration, Taxation & Stamps Department.